

REMARKS

In the Final Office Action¹, the Examiner rejected claims 43, 44, 48-52, 56-59, 62-66, 69-75, and 79-88 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2005/0278771 to Hassell et al. ("*Hassell*") in view of U.S. Patent No. 6,588,015 to Eyer et al. ("*Eyer*") and further in view of U.S. Patent No. 6,807,367 to Durlach ("*Durlach*"); rejected claims 45, 53, and 76 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of *Eyer* and *Durlach* and further in view of U.S. Patent Application Publication No. 2003/0088872 to Maissel et al. ("*Maissel*"); and rejected claims 47, 55, and 78 under 35 U.S.C. § 103(a) as unpatentable over *Hassell* in view of *Eyer* and *Durlach* and further in view of U.S. Patent No. 6,323,911 to Schein et al. ("*Schein*").

By this Amendment, Applicant amends claims 43, 51, 59, and 74.

I. The Rejection of Claims 43, 44, 48-52, 56-59, 62-66, 69-75, and 79-88 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 43, 44, 48-52, 56-59, 62-66, 69-75, and 79-88 under 35 U.S.C. § 103(a). No *prima facie* case of obviousness has been established.

Independent claim 43 recites a content reproducing system comprising, among other things:

a button that performs both of the following two functions:

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

(1) causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position

(Emphasis added).

Hassell discloses an interactive television program guide system provided with digital storage, that allows users to store information associated with recorded programs in a directory in a digital storage device (*Hassell*, abstract). However, as conceded on page 3 of the Final Office Action, *Hassell* fails to disclose a button that performs both selecting a position within one of the programs and skipping directly to the beginning of another program. Moreover, *Hassell* also not teach or suggest “a button that performs both of the following two functions: (1) causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,” as recited by independent claim 43.

Eyer discloses a digital broadcast system that provides interactive features such as skip forward and skip backward (*Eyer*, abstract). Users can play a current track or skip to subsequent or earlier tracks (*Eyer*, abstract). If a user wishes to play

“subsequent portions of the current track,” the user can use a FAST FORWARD button (*Eyer*, col. 7, lines 39-41). The amount of fast-forwarding within the current track is based on the duration the FAST FORWARD button is depressed (*Eyer*, col. 7, lines 50-59). *Eyer* also discloses a SKIP FORWARD button that beings playing the next audio track (*Eyer*, col. 8, lines 5-12).

Eyer also discloses that the FAST FORWARD and SKIP buttons may be combined, such that the desired function is achieved by pressing the button for a “specific duration” (*Eyer*, col. 8, lines 19-24). The Final Office Action alleges that *Eyer*’s combined FAST FORWARD and SKIP button corresponds to the claimed button (Final Office Action at page 4). In particular, the Final Office Action alleges that the “FAST FORWARD button 248 selects a new position in the first content as the replay position,” and relies on the FAST FORWARD feature of *Eyer* in addressing the claimed function (1) (Final Office Action at page 4).

However, the claimed function (1), as amended, recites “causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the content item as the next replay position (emphasis added). In contrast, while *Eyer*’s FAST FORWARD function plays subsequent portions of the current track, the FAST FORWARD function does not skip past any positions within the track (*Eyer*, col. 7, lines 50-58). Rather, as understood by those skilled in the art, *Eyer*’s FAST FORWARD function merely moves through

subsequent positions of the track more quickly than the track would normally play, while going through each subsequent position within the track (See *Id.*).

Indeed, *Eyer* states that the FAST FORWARD button performs similar operations as the REVERSE button, which *Eyer* analogizes to “rewinding” a conventional magnetic tape (*Eyer*, col. 7, lines 38-52). As understood by those skilled in the art, rewinding a conventional magnetic tape does not “skip” positions on the conventional magnetic tape, but rather continuously moves the tape through previous positions. In short, *Eyer* does not disclose or suggest a single button that performs two functions for skipping past a current replay position, e.g., a first function for skipping within a first content item and a second function for skipping to a second content item. Therefore, *Eyer* does not teach or suggest “a button that performs both of the following two functions: (1) causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,” as recited by independent claim 43.

Durlach fails to cure any of the deficiencies of *Hassell* and *Eyer*. *Durlach* discloses a viewing method for progressing through a movie sequence using a dial (*Durlach*, abstract). *Durlach* also discloses that the movie advances more slowly or more quickly depending on how quickly a user rotates a dial, and a “current location indicator 206” that indicates where the user has advanced to within the movie (*Durlach*,

col. 13, lines 1-18 and FIG. S4). However, *Durlach* does not teach or suggest “a button that performs both of the following two functions: (1) causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,” as recited by independent claim 43.

For the reasons set forth above, no *prima facie* case of obviousness has been established with respect to claim 43. Independent claims 51, 59, and 74, while of different scope, recite elements similar to those of claim 43 and are thus allowable over *Hassell*, *Eyer*, and *Durlach* for at least similar reasons discussed above with respect to claim 43. Claims 44, 48-50, 52, 56-58, 62-66, 69-73, 75, and 79-88 each depend from one of the independent claims, and are thus allowable over *Hassell*, *Eyer*, and *Durlach* at least due to their dependence.

II. The Rejection of Claims 45, 53, and 76 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 45, 53, and 76 under 35 U.S.C. § 103(a). Claim 45 depends from claim 43, claim 53 depends from claim 51, and claim 76 depends from claim 74. As already discussed, *Hassell*, *Eyer*, and *Durlach* fail to teach or suggest certain features of claim 43, 51, and 74.

Maissel fails to cure any of the deficiencies of *Hassell* and *Eyer*. *Maissel* discloses, “[i]n a digital television recording method, programs are selected for recording

based on analysis of program schedule information, user preferences, and the priority of previously recorded programs” (*Maissel*, abstract). *Maissel* also discloses a “NEXT” button that can be used to browse forward through the stored programs (*Maissel*, ¶ 368). However, *Maissel* does not disclose that the “NEXT” button performs two functions analogous to claimed functions (1) and (2). Therefore, *Maissel* does not teach or suggest “a button that performs both of the following two functions: (1) causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,” as recited by independent claim 43, and the similar features of independent claims 51 and 74.

For at least the reasons discussed above, claims 45, 53, and 76 are allowable over the cited references, at least due to their dependence from allowable base claims.

III. The Rejection of claims 47, 55, and 78 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 47, 55, and 78 under 35 U.S.C. § 103(a). Claim 47 depends from claim 43, claim 57 depends from claim 51, and claim 78 depends from claim 74. As already discussed, *Hassell*, *Eyer*, and *Durlach* fail to teach or suggest certain features of claim 43, 51, and 74.

Schein discloses a “television schedule system and method” using an “input device [that] allows the viewer to browse through the schedule information area”

(*Schein*, abstract). *Schein* also discloses a “local controller” with a “horizontal scroll mechanism for moving the cursor in an ‘x’ direction or horizontally across the display screen ... buttons 32, 34 can be configured so that continuous depression of one button 32, 34 moves the cursor horizontally through a plurality of items” (*Schein*, col. 5, lines 45-59). However, *Schein* does not teach or suggest “a button that performs both of the following two functions: (1) causing the selection means to skip past the first position within the first content item immediately subsequent to the current replay position to the second position subsequent to the first position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,” as recited by independent claim 43, and the similar features of independent claims 51 and 74.

For at least the reasons discussed above, claims 47, 55, and 78 are allowable over the cited references, at least due to its dependence from allowable base claims.

IV. Conclusion

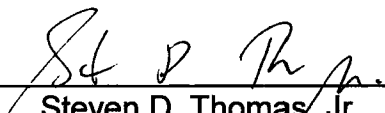
In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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